

REMARKS

Claims 9 and 10 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 to 19 of co-pending application No. 09/809,936 (Snawerdt) in view of Duncan et al. (US 6,459,517). Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. (US 6,459,517) in view of Hansen et al. (US 6,271,950). Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. (US 6,459,517) in view of Hakki et al. (US 6,549,311). Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. (US 6,459,517) in view of Fuse et al. (US 6,335,814). Claims 1 to 3, 5 to 8, 15 to 18, 20 to 23, 25 and 26 were allowed and applicant thanks examiner for the allowance of these claims.

Reconsideration of the application based on the following is respectfully requested

Double Patenting Rejection

Claims 9 and 10 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 to 19 of co-pending application No. 09/809,936 in view of Duncan et al. (US 6,459,517).

Duncan does not show “a faceplate having a fiber tap signal device for indicating a fiber tap”. Device 38 in Duncan is a fiber optic cable not a signal device.

Withdrawal of the obviousness-type provisional rejection is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. (US 6,459,517) in view of Hansen et al. (US 6,271,950). Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. (US 6,459,517) in view of Hakki et al. (US 6,549,311). Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Duncan et al. (US 6,459,517) in view of Fuse et al. (US 6,335,814).

Duncan does not show “a faceplate having a fiber tap signal device for indicating a fiber tap”. Device 38 in Duncan is a fiber optic cable not a signal device.

Appl. No. 09/776,438

Reply to Office Action of November 28, 2005

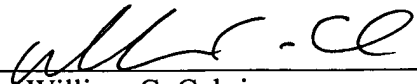
Withdrawal of the rejections under 35 U.S.C. §103(a) to claims 9 and 10 thus is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris
Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
Patents, Trademarks and Copyrights
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940